IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE SRI JUSTICE C.V.RAMULU

Writ Petition No.27388 of 2007
and
Contempt Case No.427 of 2008

Writ Petition No.27388 of 2007:

Between:

T. Krishan Singh S/o Bhavani singh
R/o 769/1, Patel Nagar, Malkajagiri,
Secunderabad, E-204059, Driver,
APSRTC, KG Depot.

..... PETITIONER

AND

1 Regional Manager, ASPRTC- Picket Secunderabad.

2 Depot Manager, APSRTC, Kushalguda,- R.R. District.

3 Vice Chairman & MD, APSRTC, Musheerabad- Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially in the nature of a Writ of Mandamus declaring the action of the 2nd respondent in not considering the provisions of Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995, and arbitrarily retiring the petitioner from the service on Medical grounds with effect from 8/6/2006 by passing an order 14/6/2006 without providing any alternative employment as illegal, contrary to the law and violative of Articles 14 and 21 of Constitution of India, and consequently direct the respondents to take the petitioner immediately to the employment either in the same post or in any other post with same pay

scale and service benefits even if necessary by creating a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier, with all consequential benefits in the interest of justice.

Counsel for the Petitioner: MR.K.K.CHAKRAVARTHY

Counsel for the Respondents: K.MADHAVA REDDY(SC FOR APSRTC)

The Court made the following:

THE HONOURABLE SRI JUSTICE C.V. RAMULU

Writ Petition No.27388 of 2007
and
Contempt Case No.427 of 2008

COMMON ORDER:

In the writ petition, the petitioner questions the action of the respondent authorities in retiring him from service on medical grounds, without providing alternative employment as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act').

While admitting the writ petition on 20.12.2007, this Court passed interim orders in W.P.M.P.No.35802 of 2007, directing the respondents to consider the case of the petitioner for providing alternative employment as per the provisions of Section 47 of the Act and pass appropriate orders as per law, and communicate the same to the petitioner.

Complaining that the said interim orders have not been complied with by the respondents, the present contempt case has been filed by the petitioner.

Today, when the contempt case has come up for hearing, learned counsel for the respondents has placed before the Court, a copy of the proceedings, dated 23.05.2008, issued by the Regional Manager, Secunderabad Region, wherein it is stated that, in fact, the petitioner, by his representation dated 20.07.2007, opted for payment of additional monetary benefits in lieu of alternative employment and, accordingly, an amount of Rs.1,58,699/- was paid to him through cheque dated 23.08.2007, towards additional monetary benefit in lieu of employment, and, therefore, he is not entitled for alternative employment under Section 47 of the Act.

From the above, it is clear that no contempt of the orders of this Court has been committed by the respondents and nothing survives in the writ petition as well as in the contempt case for further adjudication.

Accordingly, both the writ petition and the contempt case are closed.

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JUSTICE C.V. RAMULU

20th June, 2008.
IBL

To

1 The Regional Manager, ASPRTC- Picket Secunderabad.

2 The Depot Manager, APSRTC, Kushalguda,- R.R. District.

3 The Vice Chairman & MD, APSRTC, Musheerabad- Hyderabad.

4 Two CD Copies